

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re: THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, as representative of THE COMMONWEALTH OF PUERTO RICO <u>et al.</u> , Debtors. ¹	PROMESA Title III Case No. 17 BK 3283-LTS (Jointly Administered)
In re: THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, as representative of PUERTO RICO ELECTRIC POWER AUTHORITY, Debtor.	PROMESA Title III Case No. 17 BK 4780-LTS

ORDER GRANTING MOTION TO SEAL FOR
LIMITED DURATION AND FOR SUPPLEMENTAL BRIEFING

The Court has received and reviewed the *Urgent Motion to Seal and for Leave to Refile Redacted Document* (Docket Entry No. 24092 in Case No. 17-3283 and Docket Entry No. 3426 in Case No. 17-4780) (the “Motion to Seal”), filed by the Financial Oversight and

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Management Board for Puerto Rico (the “Oversight Board”).² Through the Motion to Seal, the Oversight Board requests that the Court seal the George Report, and grant leave to refile a redacted version of the same on the public docket. (Mot. ¶¶ 6-7.) The George Report was identified in the Debtor’s Expert Report and Disclosures, filed in connection with the PREPA plan confirmation hearing. (Docket Entry No. 24088 in Case No. 17-3283 and Docket Entry No. 3418 in Case No. 17-4780.)

The Motion to Seal does not include sufficient information to justify sealing of the George Report. The *Sixteenth Amended Notice, Case Management and Administrative Procedures* (Docket Entry No. 20190-1 in Case No. 17-3283) (the “CMO”) require parties to “explain[] the particular reasons for seeking to file . . . information under seal.” (CMO § I.L.) “[P]arties’ consent or the fact that information is subject to a confidentiality agreement between litigants is not, by itself, a valid basis to overcome the presumption in favor of public access to judicial documents.” (CMO § I.L.) Thus, the Court will only permit the George Report to remain under seal for a limited duration, during which time interested parties may submit briefing to the Court explaining why continued sealing is appropriate. Accordingly, it is hereby ORDERED that:

1. The Clerk of Court shall allow access of the George Report (Docket Entry No. 24088 in Case No. 17-3283 and Docket Entry No. 3418 in Case No. 17-4780) to the following parties: (i) the Ad Hoc Group of PREPA Bondholders; (ii) the Ad Hoc Committee of National Claim Assignees; (iii) the Official Committee of Unsecured Creditors; (iv) Unión de Trabajadores de la Industria Eléctrica y Riego, Inc.; (v) Sistema de Retiro de Empleados de la Autoridad de Energía Eléctrica; (vi) PV Properties, Inc.; (vii) Instituto de Competitividad y Sostenibilidad Economica de Puerto Rico; and (viii) Comité Diálogo Ambiental, Inc., El Puente de Williamsburg, Inc., Enlace de Acción Climática, Comité Yabucoño Pro-Calidad de Vida, Inc., Alianza Comunitaria Ambientalista del Sureste, Inc., Sierra Club Puerto Rico, Inc., Mayagüezanos por la Salud y el Ambiente, Inc., Coalición de Organizaciones Anti Incineración, Inc., and Amigos del Río Guaynabo, Inc., and (ix) the Oversight Board.
2. Any party may file with the Court a short brief justifying the continued sealing of some or all of the George Report, redaction of certain information in the George Report, or the unsealing of the George Report in its entirety, by **May 4, 2023**.
3. The Oversight Board shall file an omnibus reply to the responses, if any, by **May 8, 2023**. The Court will thereafter take the request for continued sealing on submission.
4. This Order is without prejudice to the rights of any party in interest to seek to unseal the George Report or any part thereof.

² Capitalized terms used but not otherwise defined herein have the meanings given to them in the Motion to Seal.

5. This Order resolves Docket Entry No. 24092 in Case No. 17-3283 and Docket Entry No. 3426 in Case No. 17-4780.

SO ORDERED.

Dated: May 1, 2023

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge